

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agricultural Marketing Department - Agricultural Market Committee Service – Sri M.A.Jabbar, Attender, Atmakur, AMC Kurnool, - Regularization of services in the category of Attender – Orders of Hon'ble A.P.Administrative Tribunal in OA No. 7529/2006 & OA No.3291/2008 dated 2.3.2010 – Implementation – Orders – Issued.

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AGRICULTURAL MARKETING AND COOPERATION (AM.III) DEPARTMENT

G.O.Rt.No. 109

Dt: 18-1-2013.

Read the following :-

1. G.O.Ms.No.421, F.A.(Agri.IV)Dept., dated 3.10.1981.
- 2.Proceedings of the Person- in -charge, AMC,Nandikootkur.
Rc.No.951/C/81, dt.27.2.1982.
3. Proceedings of the Chairman, AMC, Nandikotkur, Kurnool Dist. In
Rc.No. 72/C/87, dt.5.6.1987.
4. From C&DoAM, AP.,Hyd. Lr.No. Estt. II(2)/1336/94, dt. 27.12.2000.
read with letter No.D(2)/83/2003, dt. 18.8.2004.
5. G.O.Rt.No.372, A&C(M.III) Dept., dt. 29.4.2005.
6. Hon'ble APAT orders dt. 2.3.2010 in OA No.7529/2006
and 3291/2008.
7. From the C&DoAM, AP.,Hyd.Lr.No.AMC(2)/1652/2006, dt. 25.5.2011.
8. From the Hon'ble High Court order, dt.9.11.2010 in WPMP No.
34682/2010 in WP No. 27141/2010 .
9. From the Hon'ble High Court order dt. 15.11.2010 in WPMP No.
35770/2010 in WP No. 28052/2010.
- 10.. From the C&DoAM, AP.,Hyd. Lrs.No. AMC(2)1652/2006,
dt.19.4.2012, dt.25.7.2012 & dated: 23.8.2012

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ORDER:-

In the reference 2nd read above, the Person-in-Charge, Agricultural Market Committee, Nandikotkur, Kurnool has appointed Sri MA Jabbar, who was sponsored through Employment Exchange as Chowkidar on contingency basis with effect from 27.2.1982 initially for a period of one month and was continued in that post and was subsequently after completion of 5 years converted into Last Grade Service in the pay scale of Rs.290-5-345-10-425/- with effect from 1.3.1987 vide reference 3rd read above as per the resolution of Agricultural Market Committee, Nandikotkur, keeping in view the orders issued in the reference 1st read above. Subsequently he was also appointed to Special Grade post after completion of 8 years wef 1.3.1995, and Special Adhoc Promotion post after completion of 16 years wef 1.3.2003 respectively.

2. Subsequently, on the proposals of Agricultural Market Committee, Nandikotkur and the report of Commissioner & Director of Agricultural Marketing, AP.,Hyderabad vide reference 4th read above, Government have issued orders regularizing his services into Last Grade Service vide G.O.Ms.No. 372, A&C(AM.III) Dept., dt. 29.4.2005 with prospective effect vide reference 5th read above.

3. Aggrieved by the orders issued in the G.O.5th read above, Sri MA Jabbar filed OA No.7529/2006 and 3291/2008 in the Hon'ble APAT for restoration of his regularization of his services as Attender with effect from 1.3.1987 as per the earlier proceedings of the Chairman, Agricultural Market Committee,Nandikotkur dated 5.6.1987 and against the proposed recovery of amount paid to him respectively .

(p.t.o.)

4. In the reference 6th read above, the Hon'ble AP Administrative Tribunal in its common orders dt. 2.3.2010 in OA Nos. 7529/06 & 3261/08 has observed that, the G.O.Ms.No..421 speaks about conversion to a post and not for appointment of a person to a post and the version of the Respondents that as on 1.4.1981 he was not in service is not correct and the Applicant having been appointed as contingent Chowkidar by proceedings in Rc.No.951/C/81, dated 27.2.1982 and having been sponsored by Employment Exchange converted into regular last grade service. So, the applicant has been converted after completion of five years to regular post. Therefore, the stand of the Respondents that the applicant was not having five years of service as on 1.4.1981 is mis-conceived as the cut off date was prescribed in G.O.Ms.No.421, dated 3.10.1981, to convert the full time contingent posts as regular last grade service.

5. The Hon'ble AP Administrative Tribunal have, therefore, while allowing the O.As has observed that there is no need to issue fresh regularization orders through G.O.Rt.No.372, dt.29.4.2005 and has set-a-side G.O.Rt.No.372, A&C (AM.III) Department, dated 29.4.2005 and the consequential proceedings to the extent of applicant including the order of recovery through proceedings Rc.No. AR 2005-06, dated 1.2.2008 in OA No.3291/2008 and upheld the applicant conversion to last grade service vide proceedings dated. 5.6.1987.

6. In the references 7th read above, the Commissioner & Director of Agricultural Marketing, AP.,Hyderabad. has reported that the AMC, Atmakur has filed Writ Petition Nos. 27141/2010 & 28052/2010 in the Hon'ble High Court against the orders of Hon'ble AP Administrative Tribunal, dt. 2.3.2010, and that subsequently, the AMC, Atmakur has also filed WPMP No 34682/2010 in WP No. 27141/2010 and WPMP No. 35770 /2010 in WP No. 28052/2010 to suspend the orders dt 2.3.2010 passed by the Hon'ble APAT in OA No.3291/2008 & 7529/2006. In the references 8th & 9th read above, the Hon'ble High Court in its orders have dismissed the said two WPMPs filed by Agricultural Market Committee,Nandikotkur, vide its orders dt. 9.11.2010 & 15.11.2010 respectively. The Writ Petitions are still pending in the Hon'ble High Court. While the matter is under examination, Sri MA Jabbar, has filed Contempt Application No. 933/2012 in the Hon'ble APAT for non-implementation of Hon'ble APAT orders dt. 2.3.2010 in OA No. 7529/2006.

7. Government have examined the entire matter carefully, keeping in view the pendency of contempt case in the Hon'ble APAT and dismissal of WPMPs filed by Agricultural Market Committee, Atmakur for staying of the APAT order and pendency of WPs in AP High Court, have decided to implement the orders of Hon'ble APAT dated 2.3.2010 in OA No. 7529/2006 subject to out come of WPs pending in AP High Court duly deleting the name of Sri MA Jabbar, from the orders issued in G.O.Ms.No.372, A&C(AM.III) Dept., dt. 29.4.2005.

8. Accordingly, Government hereby permit the Commissioner & Director of Agricultural Marketing, AP.,Hyderabad. to implement the orders of Hon'ble APAT dated 2.3.2010 in OA No. 7529/2006 & OA No. 3291/2008 and to regularize the services of Sri MA Jabbar , Attender, Agricultural Market Committee Atmakur, Kurnool with effect from 1.3.1987 as per the proceedings of the Agricultural Market Committee Nandikotkur in RC.No.72/C/87, dt. 1.3.1987, duly deleting the name of the individual from the list of NMRs who have been ordered to be regularized in G.O.Rt.No. 372, A&C(AM.III) Dept., dt. 29.4.2005.

9. The Commissioner & Director of Agricultural Marketing, AP.,Hyderabad is further requested to inform the individual in writing that the compliance of the order of APAT is subject to the outcome of the Writ Petitions pending before the Hon'ble High Court.

10.. This order issues with the concurrence of Finance .Department vide their U.O.No.30414/287/A2/PC.III/2012, dt.17.11.2012.

11. The Commissioner & Director of Agricultural Marketing, AP.,Hyderabad, shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Agricultural Marketing, AP.,Hyderabad.
The individual through Commissioner & Director of Agricultural Marketing,
AP.,Hyderabad.

Copy to :

The Government Pleader for Agriculture & Cooperation, AP Administrative Tribunal, , Hyderabad .- He is requested to apprise the position to the Hon'ble APAT in respect of CA No.933/2012 in OA No.7629/2006.and see that close the CA.
SC/SF.

//FORWARDED BY ORDER//

SECTION OFFICER